

MEMORANDUM

To: All Executive Branch General Counsels
cc: Executive Branch Chiefs of Staff
Nancy Fernandez Mills, Communications Director
Kyle Sullivan, Press Secretary
From: Ben T. Clements, Chief Legal Counsel
Date: February 12, 2007
Re: Public Records Requests: Revised Procedures

The Office of Legal Counsel ("OLC") has reviewed the procedures governing when and how executive branch departments should notify OLC of public records requests served upon the departments. This memorandum is intended to revise those procedures, as follows:

1. Departments will continue to have primary responsibility for responding to public records requests that are served directly upon them.
2. Routine requests from non-media requestors do not require notification to the OLC.
3. The OLC should, however, be notified immediately of all public records requests from media organizations as well as all non-routine requests. "Non-routine" requests include: (a) requests that implicate sensitive or controversial issues; (b) requests that relate to pending litigation or that portend future litigation; or (c) requests that, from their content or format, appear to have been made to multiple departments.
4. Notifications should be sent by e-mail or by fax (617-727-8290) to Deputy Chief Counsel Michael Pineault, who will serve as the OLC's designated contact person for public records requests. Please confer with Mike concerning all media and non-routine requests prior to transmitting any response to the requestor.
5. Please communicate these procedures to all others within your department who receive or process public records requests, including press office staff or media spokespeople.

If you have any questions concerning the above, please contact either me or Mike.